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10 **UNITED STATES DISTRICT COURT**
EASTERN DISTRICT OF CALIFORNIA
11

12 TAYLOR SMART and MICHAEL HACKER,
Individually and on Behalf of All
13 Those Similarly Situated,
Plaintiffs,

14 v.
15

NATIONAL COLLEGIATE ASSOCIATION, an
16 unincorporated association,
Defendant.

17 SHANNON RAY, KHALA TAYLOR, PETER
ROBINSON, KATHERINE SEBBANE, and
18 RUDY BARAJAS, Individually and on
Behalf of All Those Similarly
19 Situated,
Plaintiffs,

20 v.
21

NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION, an unincorporated
23 association,
Defendant.

No. 2:22-cv-02125 WBS-CSK

Hon. William B. Shubb
Assigned to Hon. Chi Soo Kim
for Non-Dispositive Issues

No. 1:23-cv-00425 WBS-CSK

**JOINT ADMINISTRATIVE MOTION
AND STIPULATION REGARDING
BRIEFING SCHEDULE FOR
DEFENDANT'S DAUBERT MOTIONS**

1 WHEREAS, the Court has related these two actions.

2 WHEREAS, on November 1, 2024, Plaintiffs in No. 2:22-cv-
3 02125, Taylor Smart and Michael Hacker ("Smart Plaintiffs"), and
4 Plaintiffs in No. 1:23-cv-000425, Shannon Ray, Khala Taylor,
5 Peter Robinson, Katherine Sebbane, and Rudy Barajas ("Ray
6 Plaintiffs"), both filed motions for class certification;

7 WHEREAS, both the *Smart Plaintiffs* and *Ray Plaintiffs*
8 submitted expert declarations in support of their motions for
9 class certification;

10 WHEREAS, the *Smart Plaintiffs'* and *Ray Plaintiffs'* motions
11 for class certification are set to be heard on March 3, 2025, at
12 1:30;

13 WHEREAS, pursuant to an order of this Court (*Smart* Dckt. 61,
14 *Colon* Dckt. 74), Defendant National Collegiate Athletic
15 Association's ("NCAA") oppositions to both motions for class
16 certification were filed and served on December 20, 2024, and
17 Plaintiffs' replies in support of their motions are due
18 January 31, 2025;

19 WHEREAS, the NCAA's opposition to both motions for class
20 certification is supported with evidence including an expert
21 declaration with respect to which the *Smart* and *Ray Plaintiffs*
22 may interpose motions to strike and or exclude, including but not
23 limited to a motion to exclude expert testimony;

24 WHEREAS, the NCAA also filed motions to exclude expert
25 testimony filed in support of *Smart* and *Colon Plaintiffs'* motions
26 for class certification ("Daubert motions") on December 20, 2024;
27 and

28

1 WHEREAS, the parties have conferred and stipulated to the
2 following briefing schedule for the NCAA's *Daubert* motions and
3 any motions to exclude or strike evidence, including expert
4 testimony, submitted in opposition to the motion for class
5 certification:

6 1. *Smart* and *Ray* Plaintiffs shall file oppositions to the
7 NCAA's *Daubert* motions by January 31, 2025.

8 2. The NCAA shall file any replies in support of its
9 *Daubert* motions by February 18, 2025.

10 3. Plaintiffs shall file any motions to strike or exclude
11 evidence, including but not limited to expert testimony filed in
12 support of the NCAA's opposition to the Plaintiffs' respective
13 motions for class certification, by January 31, 2025.

14 4. The NCAA shall file any oppositions to any such
15 Plaintiffs' motion to strike or exclude evidence by February 18,
16 2025.

17 5. Plaintiffs shall file any replies in support of such
18 motions by February 26, 2025.

19 6. With the permission of the Court, the NCAA's *Daubert*
20 motions and any Plaintiffs' motions directed against evidence
21 submitted in support of NCAA's opposition to Plaintiffs' motions
22 for class certification shall be heard concurrent with *Smart* and
23 *Colon* Plaintiffs' motions for class certification on March 3,
24 2025, at 1:30.

25 Pursuant to Local Rule 233, the parties respectfully request
26 that the Court enter the attached proposed order setting the
27 deadlines that the parties have agreed upon for briefing of any
28 *Daubert* motions to exclude testimony submitted in support of a

1 motion for class certification and any motions submitted by
2 Plaintiffs to exclude or strike evidence submitted in support of
3 the NCAA's opposition to the Plaintiffs' motions for class
4 certification.

5

6 Respectfully submitted, MUNGER, TOLLES & OLSON LLP

7 DATED: January 3, 2025 By: /s/ Carolyn Hoecker Luedtke
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CERTIFICATE OF SERVICE

I hereby certify that on January 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered for electronic filing.

/s/ Carolyn Hoecker Luedtke

Carolyn Hoecker Luedtke

Order

The Court, having considered the parties' stipulation, and cause appearing, hereby orders that:

4 1. Smart and Colon Plaintiffs shall file any oppositions to
5 the NCAA's *Daubert* motions to exclude testimony submitted in support
6 of Plaintiffs' motions for class certification by January 31, 2025.

7 2. The NCAA shall file any replies in support of its *Daubert*
8 motions by February 18, 2025.

9 3. Plaintiffs shall file any motions to strike or exclude
10 evidence, including but not limited to expert testimony filed in
11 support of the NCAA's opposition to Plaintiffs' motions for class
12 certification, by January 31, 2025.

13 4. The NCAA shall file oppositions to any motions to strike
14 or exclude evidence filed in support of its opposition to
15 Plaintiffs' motions for class certification by February 18, 2025.

16 5. Plaintiffs shall file replies in support of any motions to
17 strike or exclude evidence filed in support of the NCAA's opposition
18 to Plaintiffs' motions for class certification by February 26, 2025.

19 6. The NCAA's *Daubert* motions and any motions by Plaintiffs
20 to strike or exclude evidence filed in support of the NCAA's
21 opposition to Plaintiffs' motions for class certification shall be
22 heard concurrent with *Smart* and *Colon* Plaintiffs' motions for class
23 certification on March 3, 2025, at 1:30.

25 | Dated: January 7, 2025

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE